

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTOPHER JOZEFIAK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 17-12713

Hon. Marianne O. Battani

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**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Christopher Jozefiak brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Defendant Commissioner of Social Security denying his application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.* The case was referred to Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b)(1)(B) for review of the Commissioner's decision.

The parties filed cross-motions for summary judgment. In a report and recommendation ("R & R") dated May 22, 2018, the Magistrate Judge recommended that the Court grant in part Plaintiff's motion for summary judgment, deny Defendant's motion for summary judgment, and remand this matter to the Defendant Commissioner under sentence four of 42 U.S.C. § 405(g). The Magistrate Judge also informed the parties that any desired objections to the R & R were to be filed within 14 days of service of the R & R, and that a party's failure to file objections would operate to waive any further right of appeal. (Dkt. 11, R & R at 12.)

Neither party has filed objections to the R & R. Because no objections have been filed, the parties have waived their right to *de novo* review and appeal. Moreover, having reviewed the R & R and the remainder of the record, this Court fully concurs in the Magistrate Judge's analysis and recommended disposition of this case.

Accordingly, the Court **ADOPTS** the Magistrate Judge's May 22, 2018 report and recommendation (Dkt. 11), **GRANTS IN PART** Plaintiff's motion for summary judgment (Dkt. 8), and **DENIES** Defendant's motion for summary judgment (Dkt. 9). This matter will be remanded to the Defendant Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings in accordance with the Magistrate Judge's report and recommendation.

IT IS SO ORDERED.

Date: September 24, 2018

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on September 24, 2018.

s/ Kay Doaks
Case Manager